

## Why Restoring Clean Water Act Protections is Good for Businesses – Suggested Talking Points

- ▲ Clean water is an economic driver for our communities. Polluted water creates no economic value for communities or business owners. In fact, healthy rivers, lakes and bays enhance the economic value of businesses and homes.
- ▲ Businesses ranging from clean tech to craft brewers all depend on high quality clean water to produce or manufacture their products.
- ▲ America's manufacturers require clean and ample water supplies. Manufacturing companies use nine trillion gallons of fresh water every year.
- ▲ The beverage industry uses more than 12 billion gallons of water annually to produce products valued at \$58 billion.
- ▲ Small and independent craft brewers contributed \$33.9 billion to the U.S. Economy in 2012. The industry also provided more than 360,000 jobs. (*Analysis includes state-by state breakdown: <http://www.brewersassociation.org/pages/government-affairs/economic-impact-data>*)
- ▲ Farmers depend on clean water for irrigation – 31% of all surface water withdrawals in the U.S. are for irrigation.
- ▲ According to EPA, the proposed rule would provide an estimated \$388 million to \$514 million annually of benefits to the public, including reducing flooding, filtering pollution, providing wildlife habitat, supporting hunting and fishing, and recharging groundwater. The public health benefits significantly outweigh the costs of about \$162 million to \$279 million per year for mitigating impacts to streams and wetlands, and taking steps to reduce pollution to waterways.
- ▲ In 2011, approximately 38% of the U.S. Population over the age of 16 – 90.1 million people participated in wildlife recreation, spending \$145 billion. State-by-state numbers also available: <http://www.census.gov/prod/www/fishing.html>
- ▲ The American Sportfishing Association reports that anglers generated nearly \$115 billion in total economic activity in 2011 and supported more than 800,000 jobs.
- ▲ Protecting streams and wetlands protects homes and businesses from flooding. Degradation of these resources can increase flood damages and emergency response costs. Across the country, 9.6 million homes and \$390 billion in property are located in flood-prone areas. Protecting the streams and wetlands that store flood water and reduce runoff is an effective “insurance policy.”
- ▲ Businesses operate best in an environment of regulatory certainty, and this rule may reduce cost for businesses needing Clean Water Act permits and will most assuredly increase consistency, predictability, and timeliness of the permitting process.



## Clean Water Act Rule to Protect Our Nation's Streams and Wetlands from Pollution



In March 2014 the Environmental Protection Agency (EPA) and the Army Corps of Engineers (Corps) proposed a long-overdue Clean Water Act rule (*Definition of "Waters of the United States" Under the Clean Water Act*) to end the confusion over which streams and wetlands are protected by the law. Congress originally protected these vital water resources when it passed the landmark Clean Water Act in 1972, but those protections were called into question over a decade ago because of two polluter-friendly Supreme Court decisions in 2001 and 2006 and subsequent Bush administration policies. Following these controversial decisions, Clean Water Act enforcement has declined, putting the health of our rivers, lakes and bays at risk.

### Why These Resources Matter and Need Protection

The health of our nation's rivers, lakes, and bays depends on the network of small streams and wetlands that flow into them. Here's what's at stake:

**The drinking water sources for over 117 million Americans.** One in three Americans get drinking water from public systems that rely on headwater and seasonal streams.

**20 million acres of wetlands** that provide flood protection, recharge groundwater supplies, filter pollution, and provide essential wildlife habitat.

**Over half of all the stream miles in the United States.** Many of these streams are critical habitat for fish and other aquatic life and provide the majority of the water flow in rivers.

These resources are economic drivers for our communities. Recreationists, farmers, hunters, anglers and businesses ranging from clean tech to craft brewers all depend on clean water. Anglers alone generated nearly \$115 billion in economic activity in 2011, breathing life into rural communities and supporting more than one million jobs. Craft brewers contributed nearly \$34 billion to the U.S. economy in 2012, supporting over 360,000 jobs.

### What the Rule Covers

This proposed rule definitely restores Clean Water Act protections to most tributary streams and wetlands:

1. **Tributaries to waters already covered by the Clean Water Act** — for example, intermittent or ephemeral streams that have a defined bed and bank and flow to traditionally navigable waters, interstate waters, territorial seas, or impoundments of those waters.
2. **Wetlands, lakes and other waters located near or within the floodplain** of waters already covered by the Clean Water Act, including tributary streams of those waters.

Waters positioned outside of a floodplain or riparian area, also known as "other waters" will continue to require a case-by-case analysis to determine whether or not they have a "significant nexus" to waters already covered by the Clean Water Act and can therefore be protected by the law. The 2001 Supreme Court ruling signaled an upper limit on jurisdiction by rejecting a Reagan-era policy that based federal jurisdiction of geographically isolated waters on their use by migratory birds. **To be consistent with this ruling, the proposed rule does not restore protections to all the wetlands and other waters that were protected for almost 30 years before 2001.**

## What the Rule Does *Not* Cover

The proposed rule reaffirms existing exemptions from Clean Water Act permitting requirements for agriculture, mining, forestry and certain other activities that produce food, fuel or fiber:

- Most common farming and ranching practices, including “plowing, cultivating, seeding, minor drainage, harvesting.”
- “Construction or maintenance of farm or stock ponds or irrigation ditches, or the maintenance of drainage ditches.”
- “Agricultural stormwater discharges and return flows from irrigated agriculture.”
- “Construction of temporary sediment basins on a construction site.”
- “Construction or maintenance of farm or forest roads or temporary roads for moving mining equipment.”

The proposed rule also codifies waters that have long been excluded from Clean Water Act permitting requirements in practice but not explicitly exempted by rule:

- Upland drainage ditches with less than perennial flow
- Artificially irrigated areas that would revert to upland should irrigation cease.
- Artificial lakes or ponds used for purposes such as stock watering
- Artificial ornamental waters created for primarily aesthetic reasons
- Water-filled depressions created as a result of construction activity
- Groundwater, gullies, rills and non-wetland swales

Previous exemptions in the regulation also remain for waste treatment systems, including treatment ponds and lagoons, as well as prior converted cropland.

## Rule Provides More Benefits Than Costs

**EPA estimates that the proposed rule would provide \$388 million to \$514 million annually in benefits** to the public, including reducing flooding, filtering pollution, providing wildlife habitat, supporting hunting and fishing, and recharging groundwater. These public benefits significantly outweigh the costs of about \$162 million to \$279 million per year for mitigating impacts to streams and wetlands, and taking steps to reduce pollution to waterways.

Another benefit of this rule is that it will streamline the permitting process by providing greater certainty to the regulated community and better guidance to regulators, by establishing specific categories of waters which waters are protected by the Clean Water Act, and specific categories of waters which are not protected by the law.



## Additional Resources

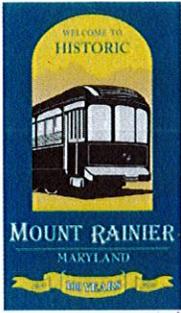
Learn more about the proposed Clean Water Rule at: <http://www2.epa.gov/uswaters>

Read comments submitted to the Proposed Rule Docket for “Definition of ‘Waters of the United States’ Under the Clean Water Act” at [www.regulations.gov](http://www.regulations.gov), search for docket number EPA-HQ-2011-0880.

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**For more information visit:** <http://cleanwater.org/Protecting-All-Water>

**Contact:** Jennifer Peters, Clean Water Action, [jpeters@cleanwater.org](mailto:jpeters@cleanwater.org) | 202.393.3224



Introduced and Read: Nov 5, 2014  
Adopted: Nov 5, 2014  
Posted: \_\_\_\_\_, 2014  
Effective Date: \_\_\_\_\_, 2014

**CITY OF MOUNT RAINIER, MARYLAND**

**RESOLUTION NO. 14-2014**

(Drafted by City Attorney)

Introduced by: \_\_\_\_\_

**Authorizing the Execution and Delivery of a Lease Agreement and Related Instruments with Branch Banking and Trust Company for the Purpose of Financing the Acquisition of Two Police Vehicles and One Leaf Vacuum Machine.**

**WHEREAS**, the Council of the City of Mount Rainier has determined that a true and very real need exists for the acquisition of two new police vehicles to be used by City police officers for public safety purposes and for one new leaf vacuum machine to be used by the City public works department for leaf collection services in the City; and

**WHEREAS**, the City budget for FY 2015, adopted on May 20, 2014, by Ordinance No. 4-2014 approving the fiscal year 2015 budget (the "Budget Ordinance"), includes the purchase of two police vehicles and one leaf vacuum machine ("the Equipment") and acquisition of the Equipment is necessary for the City to perform its governmental functions; and

**WHEREAS**, the City desires to finance the acquisition of the Equipment by a Lease Agreement ("Lease") with Branch Banking and Trust Company ("BB&T"); and

**WHEREAS**, the City's purchase of the Equipment can be financed with tax-exempt financing in a principal amount of \$110,000.00; and

**WHEREAS**, the funds made available under the Lease will be deposited by BB&T to a Project Fund created under a Project Fund Agreement between the City and BB&T and will be applied to the City's acquisition of the Equipment in accordance with said Project Fund Agreement; and

**WHEREAS**, pursuant to Section 708, Borrowing Power, of the City of Mount Rainier Charter, the City has the power to borrow money for any public purpose, which includes the purchase of vehicles and equipment to be used for governmental purposes, and to issue its notes or other evidence of indebtedness by private negotiated sale; and

**WHEREAS**, the total amount of the lease financing for the Equipment and other outstanding City bonds and other borrowing does not exceed 10% of the City's assessable tax base.

**NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF MOUNT RAINIER, MARYLAND, THAT:**

**Section 1.** The Council of the City of Mount Rainier approves and authorizes the acquisition and financing of two police vehicles and one leaf vacuum machine (“the Equipment”) through a Lease Agreement, Project Fund Agreement, and related papers, instruments, opinions, certificates, affidavits, and other documents (collectively, the “Financing Documents”) with Branch Banking and Trust Company (“BB&T”) and finds that such lease financing in a principal amount of \$110,000.00 is in the best interests of the City for the acquisition of the Equipment.

**Section 2.** The Financing Documents with BB&T for the financing of the acquisition of the Equipment, as set forth in this Resolution, are hereby approved. The execution, acknowledgement, attestation, and delivery of the Financing Documents with BB&T, as of October 21, 2014, by the City Manager, Treasurer, City Clerk, and City Attorney are hereby ratified and approved.

**Section 3.** Pursuant to Section 265(b) of the Internal Revenue Code of 1986, as amended (the “Code”), the City hereby specifically designates the Lease with BB&T as a “qualified tax-exempt obligation” for purposes of Section 265(b)(3) of the Code.

**THIS RESOLUTION IS ADOPTED BY THE COUNCIL OF THE CITY OF MOUNT RAINIER THIS 5<sup>th</sup> DAY OF November, 2014.**

Attest:

  
\_\_\_\_\_  
Jeannelle B. Wallace, City Manager

  
\_\_\_\_\_  
Malinda Miles, Mayor

  
\_\_\_\_\_  
Jimmy Tarlau, Councilmember Ward 1

  
\_\_\_\_\_  
Jesse Christopherson, Councilmember Ward 1

\_\_\_\_\_  
[Vacant], Councilmember Ward 2  
  
\_\_\_\_\_  
Brent Bolin, Councilmember Ward 2

**From:** Vijay Manjani  
**Sent:** Wednesday, November 05, 2014 2:30 PM  
**To:** 'mayormiles@gmail.com'; 'Jimmy Tarlau'; 'Brent C Bolin'; 'Jesse Christopherson'  
**CC:** Jeannelle Wallace  
**Subject:** Resolution 14-2014- Vehicle & Equip Purchase; Audit FY 15; 1st Quarter FY 15 Statements

Mayor and Council Members,

**1. Two New Police Vehicles & a New Leaf Vacuum Machine FY 2015 (Resolution 14-2014)**

The Budget FY 2015 includes funding in the "Capital Improvement Plan" (Page 102 & 103 of the Budget FY 2015 document) for two new police vehicles and a new leaf vacuum machine for Public Works Department. The City took delivery of two new police vehicles on 10/14/2014. The delivery of the new Leaf Vacuum Machine is expected sometime next week. The estimated purchase cost is

Two New Police Cars including emergency equipment	\$ 70,000
New Leaf Vacuum Machine	<u>\$ 40,000</u>
<b>Total Purchase Cost</b>	<b><u>\$110,000</u></b>

If you have any questions regarding Police Vehicles or Leaf Vacuum Machine, please direct your queries to Chief Scott and Luther Smith, Director PW. Since the new leaf vacuum machine is not a registered vehicle, it does not fall under auto loan category and a little hard to get financed. BB&T Bank has agreed to finance \$110,000 @ 2.42% for 4 years - payable annually (Four installments of \$29,218.84 each). The City attorney Linda Perlman has drafted a Resolution No.14-2014, which is one of the agenda items for tonight's meeting. I request Mayor and Council members to please adopt the Resolution. Thanks

**2. Financial Audit FY 2015**

The auditors began conducting field portion of the audit process last week. A team of three auditors were in the City Hall last week. They are in the City Hall today and are expected to be here tomorrow as well. The finance department staff will be working closely with them and therefore, will be kind of off-limits for next two days

**3. The Financial Statements for the period July 1, 2014 thru September 2014 (1<sup>st</sup> Quarter FY 2015)**

The First Quarter FY 2015 ended September 30, 2015. The financial statements for the period beginning July 1, 2014 thru September 30, 2014 are due. The Finance Department staff is working with the auditors and as a result the 1<sup>st</sup> Quarter statements are a little late this time. Please allow me time til next week. The statements will definitely be ready by Friday next week.

I am working with auditors today and have to be here early morning tomorrow, I won't be attending the meeting tonight. I request Mayor and Council members to adopt Resolution 14-2014. Please feel free to call me if you have any questions. I will keep my cell phone handy. Cell: 240-353-5469.

Have a wonderful afternoon